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June 4, 2008

SO ORDERED

BY FAX

Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

George B. Daniels
HON. GEORGE B. DANIELS
JUN 10 2008

Re: Ahmed v. City of New York et al., 08 CV 4804 (GBD)

Dear District Judge Daniels:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York assigned to the above-referenced case. I am writing with the consent of plaintiff's counsel, Edward Sivin, Esq. to respectfully request (1) leave of Court to file an amended answer on behalf of the City and (2) that the City be granted a forty-five (45) day enlargement of time, from June 4, 2008 to July 21, 2008 to answer or otherwise respond to the complaint. This is City's first request for leave of Court to file an amended answer and the first request for enlargement of time in this action.

By way of background, this action was commenced by plaintiff in the Supreme Court of the State of New York, County of New York on or about April 10, 2008. On or about May 16, 2008, defendant City of New York filed an answer to plaintiff's complaint in the Supreme Court of the State of New York. Thereafter, on or about May 22, 2008, defendant, Lincoln Center for the Performing Arts, removed this case to the Southern District of New York.

The complaint alleges, *inter alia*, that plaintiff was falsely arrested and imprisoned, as well as subjected to excessive force. In addition to the City of New York, plaintiff purports to

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name Police Officer Rajinder Singh and Police Officer Noel Olivo as defendants.¹ Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. To that end, the City will need to obtain releases from plaintiff to obtain the underlying arrest and criminal court records. The enlargement of time will afford us the opportunity to investigate this matter.

Moreover, the enlargement will allow us to ascertain whether the individually named defendants have been properly served. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendants. The named defendants must then decide whether he/she wishes to be represented by this office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. The City of New York, et al., 758 F.2d 862, 854-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, the City respectfully requests (1) leave of Court to file an amended answer and (2) that the City be granted a forty-five (45) day enlargement of time, from June 4, 2008 to July 21, 2008 to answer or otherwise respond to the complaint.

Thank you for your consideration in this regard.

Respectfully submitted,



Stuart E. Jacobs (SJ 8379)
Assistant Corporation Counsel
Special Federal Litigation Division

¹ Without appearing on their behalf, I also respectfully request that the individually named defendants' time to answer or otherwise respond to the complaint also be extended until July 21, 2008.

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